

16

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA 153/90
IN OA 737/87

DATE OF DECISION: 30/11/91

ROSHAN LAL APPLICANT

VERSUS

UNION OF INDIA RESPONDENTS

CORAM:

THE HON'BLE MR. JUSTICE AMITAV BANERJI

THE HON'BLE MR. I.K. RASGOTRA, MEMBER

FOR THE APPLICANT SHRI B.B. SRIVASATAV, COUNSEL

FOR THE RESPONDENTS SHRI K.C. MITTAL, COUNSEL

The Review Application has been filed by the applicant in OA No. 737/87 decided vide judgement dated September 5, 1990. The operative part of the judgement is reproduced below:

"The charges No.2 & 3 were established. Since we do not find any error of law apparent on the face of the record, we cannot interfere with the findings of the Disciplinary Authority. The finding was that there was an intent to draw a larger amount than was due and even for those who were dead and not dependent on him.

Before we conclude, we would express our views that it was incumbent on the Medical Superintendent who had to comply with the order of the Director General, Health Services in regard to the period for which the reduction in rank had been ordered in the case of the applicant. If it was intended to be permanent, there should have been some indication. If it was for a certain period,

that period should have been specified. The commencement of the period and the conclusion should have been clearly mentioned. We were not told by the learned counsel for the parties that any such order has been passed. If the Medical Superintendent had complied with the order of the Director General, Health Services, the period of reduction would be according to the specified period for which it was indicated. If it was permanent, even then it should have been mentioned and the applicant should have been informed. If it has not been done, it may be done even now.

We would also like to mention here that although it is not open to the Tribunal to modify the quantum of punishment awarded in a case, which is being dismissed, but it may be mentioned in the present case that the applicant intended to draw two amounts to which he was not entitled, but he had not actually drawn the same. he was charged to have exhibited a conduct unbecoming of a Government servant contravening Rule (1)(i) and (iii) of the CCS (Conduct) Rules, 1964.

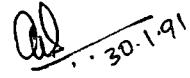
While coming to the above conclusions, we had carefully gone through the record and material placed before us. Merely because the contentions of the petitioner taken in the rejoinder have not been separately discussed and rejected with reasons it does not mean that the material and record have not been considered
- AIR 1990 SC 535 J. Ranga Swamy Vs. Government of Andhra Pradesh & Others. Further in the case of Lt. Col. G.S. Bajwa Vs. Union of India & Ors. 1988 (6) ATC CAT 800,

16

Hyderabad Bench of the Tribunal has held that if certain points raised by the Counsel are not dealt with in the judgement/order, the remedy is to file an appeal in accordance with the law. The same issues cannot be agitated again in a Review Application.

We have considered the RA carefully and are of the view that there is no error apparent on the face of the record as such nor any new facts have been brought out meriting review of the judgement dated September 5, 1990. The Review Application is accordingly rejected.


(I.K. Rasgotra)
Member (A) 30/1/91


(Amitav Banerji)
Chairman